

# SENIOR COUNSEL BAR

P. O. Box 40111-00100

NAIROBI

Telephones: 020 2841000/0722 205782/3

FRED N. OJIAMBO, SC, MBS

CHAIRMAN

[FOjiambo@kapstrat.com](mailto:FOjiambo@kapstrat.com)

Your Ref:

Our Ref: SC/01/2023

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## The apparent re-arrest of persons admitted to bail by the courts

The Senior Counsel Bar ought to be and is concerned and dismayed by recent reports to the effect that accused persons who were admitted to bail by courts were disabled from accessing the facilities within the court precincts to post bail. Instead, they were abducted by persons said to be law enforcement agents and removed from court to an unknown place.

The Senior Counsel Bar cannot intermeddle in the details of the actual proceedings, since the persons in question are indeed represented by counsel. If, however, the true circumstances are as have been reported and appeared in the media, there is cause for all people of goodwill, those who are concerned about the rule of law and justice, to be disturbed and be activated by righteous chagrin, and to deprecate and condemn such conduct by law enforcement agencies.

The right to bail is constitutional. Where persons are duly admitted to bail by a court of competent jurisdiction, any person who frustrates the court order commits justiciable contempt of court. Worse still, such action is an egregious violation of the sanctity of the edifice upon which democratic society is founded. And lastly, such behaviour is a sure way of sliding into autocracy.

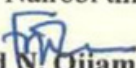
The constitution and the legitimate laws made pursuant to it are not mere pieces of paper. They are hallowed values meant to provide limitations to the manner in which coercive power may be employed in order to ensure a tranquil society in which all persons may achieve their highest potential without let or hindrance. The constitution and legitimate laws also provide for the right environment for growth and development of all persons.

We ignore or trash the constitution and just government of all at the risk of ushering in chaos. And such turmoil would not only hurt those who for the time being appear to have no power. It would eventually affect those who wield and appear to have a monopoly of firepower. For, power without restraint is that monster which will certainly eventually consume he or she who perceives to have copious reserves of it. History is too replete with examples of the effects of such excesses to require any elaboration in this short piece.

This Bar does not necessarily consist of prophets or clairvoyants. But, it is not the sole preserve of psychics to see that where there is lack of fidelity to the dictates of justice, the current utter disregard of law and scanty regard to justice by those whose duty and responsibility it is to uphold the highest standards, will surely lead this beloved Republic into the abyss. Terrorizing the people into silence may offer a short lived illusion of peace. But it may well be the lull before the storm.

Let those who have ears hear.

Dated at Nairobi this 21<sup>st</sup> day of July, 2023

  
Dr. Fred N. Ojiambo, SC, MBS  
Chairman,  
Senior Counsel Bar